

**Introduced by Senator DeSaulnier**

February 18, 2010

---

An act to add Section 17615 to the Education Code, relating to pesticides.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1157, as introduced, DeSaulnier. Education: the Healthy Schools Act of 2010.

(1) Existing law generally regulates pesticide use and requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management by school districts.

This bill, the Healthy Schools Act of 2010, would prohibit all public schools from using the most highly toxic pesticides, as listed, on school property. This bill would provide that its provisions would not apply to antimicrobial pesticides, products deployed in the form of a self-contained bait or trap, or as a crack and crevice treatment, agricultural uses, or activities undertaken by participants in agricultural vocational education, as specified.

The bill would authorize the coordinator of the integrated pest management program, if the school district has established an integrated pest management program, or a school district designee, as defined, to authorize the use of the most highly toxic pesticides, as defined under certain circumstances. Because the bill would impose new duties on school districts, it would constitute a state-mandated local program.

This bill would require all manufactures who sell any of the most highly toxic pesticides, as defined, in California, to pay an unspecified fee. The bill would establish the Healthy Schools Act of 2010 Fund. The bill would provide that moneys deposited in the fund from the fee

be expended by the Director of Pesticide Regulation, upon appropriation by statute, for the purposes of the bill.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature hereby finds and declares  
2 all of the following:

3 (1) Pesticides have been linked to numerous acute and chronic  
4 illnesses, including cancer and asthma.

5 (2) Because children's bodies and brains are still developing,  
6 exposure to pesticides can have detrimental and irreversible effects.

7 (3) A recent study reveals that female teachers have a  
8 significantly higher cancer rate compared to other women of the  
9 same age and race, including breast cancer, lymphoma, and  
10 leukemia, which previous studies have shown are linked to  
11 pesticides.

12 (4) Recognizing the impact of pesticides on the school  
13 community, the Department of Pesticide Regulation has developed  
14 an Internet Web site, written training materials, and conducted  
15 regional training sessions to assist schools that have chosen to  
16 adopt least-toxic integrated pest management techniques and to  
17 eliminate use of the most dangerous pesticides.

18 (5) However, many California public schools continue to use  
19 highly toxic pesticides.

20 (6) It is necessary to take precautionary measures to protect the  
21 health and safety of California schoolchildren and teachers, and  
22 better ensure a safe learning and working environment.

23 (b) This act shall be known, and may be cited as, the Healthy  
24 Schools Act of 2010.

25 SEC. 2. Section 17615 is added to the Education Code, to read:

1 17615. (a) No public school may use the most highly toxic  
2 pesticides on school property.

3 (b) For purposes of this section, “most highly toxic pesticides”  
4 means:

5 (1) Pesticide products containing N-methyl-carbamate or  
6 neurotoxic organophosphorus compounds.

7 (2) Pesticide products containing active ingredients rated by the  
8 United States Environmental Protection Agency as A or B  
9 carcinogens or substances listed as, known or likely carcinogens,  
10 known to be human carcinogens, likely to be human carcinogens,  
11 or suggestive of being human carcinogens, as described in the  
12 “List of Chemicals Evaluated for Carcinogenic Potential,” or  
13 known to the state to cause cancer as listed pursuant to the  
14 California Safe Drinking Water Act (Chapter 4 (commencing with  
15 Section 116270) of Part 12 of Division 104 of the Health and Safety  
16 Code).

17 (3) Pesticide products containing active ingredients that cause  
18 birth defects, reproductive harm, or developmental harm as  
19 identified by the United States Environmental Protection Agency  
20 or listed pursuant to the California Safe Drinking Water Act  
21 (Chapter 4 (commencing with Section 116270) of Part 12 of  
22 Division 104 of the Health and Safety Code).

23 (c) Pesticide products with high acute toxicity as defined by the  
24 United States Environmental Protection Agency in Toxicity  
25 Categories I and II, as defined in Part 156.62 of Title 40 of the  
26 Code of Federal Regulations, shall not be used unless the pest  
27 problem to be addressed cannot be effectively managed with a  
28 lower risk pesticide.

29 (d) The coordinator of the integrated pest management program,  
30 if the school district has established an integrated pest management  
31 program, or the school district designee, as defined in subdivision  
32 (d) of Section 17609, may permit the use of a most highly toxic  
33 pesticide if all of the following conditions are met:

34 (1) An emergency condition exists.

35 (2) The use of the pesticide is the lowest risk method available  
36 to address the problem.

37 (3) The use is limited to a specific application site.

38 (4) Every effort shall be made to ensure that the application site  
39 is clear of pupils, staff persons, and other persons not directly  
40 involved in the use of the pesticide.

1 (5) The application site shall be posted in accordance with  
2 subdivision (d) of Section 17612.

3 (6) The school district shall include a list of the materials used  
4 under emergency conditions, under the heading “Emergency Use  
5 of Pesticides Banned Under AB” in the next annual notification  
6 of intended pesticide use, as required by subdivision (a) of Section  
7 17612.

8 (e) This section does not apply to any of the following:

9 (1) Antimicrobial pesticides, including sanitizers and  
10 disinfectants.

11 (2) Pesticide products deployed in the form of a self-contained  
12 bait or trap.

13 (3) Gels or pastes deployed as crack and crevice treatment.

14 (4) Activities undertaken at a school by participants in the state  
15 program of agricultural vocational education, pursuant to Article  
16 7 (commencing with Section 52450) of Chapter 9 of Part 28 of  
17 Division 4 of Title 2, if the activities are necessary to meet the  
18 curriculum requirements prescribed in Section 52454. Nothing in  
19 this subdivision relieves schools participating in the state program  
20 of agricultural vocational education of any duties pursuant to this  
21 section for activities that are not directly related to the curriculum  
22 requirements of Section 52454.

23 (5) Agricultural uses.

24 (f) This section does not abrogate the authority of county health  
25 officers, the Department of Food and Agriculture, mosquito and  
26 vector control districts, the State Department of Public Health, or  
27 other state agencies that are responsible for pest management  
28 decisions that may affect public schools in California.

29 (g) This section does not preclude a school district from adopting  
30 stricter pesticide use policies or from enforcing stricter policies  
31 that have already been adopted.

32 (h) (1) A fund is hereby established in the State Treasury to be  
33 known as the Healthy Schools Act of 2010 Fund. Moneys deposited  
34 in this fund may be expended by the Director of Pesticides  
35 Regulation upon appropriation by statute, for the purposes of  
36 implementing this section.

37 (2) All manufacturers who sell any of the most highly toxic  
38 pesticides, as defined by this section in California shall pay a fee  
39 of ( \$\_\_\_\_ ) per year, to be deposited into the Healthy Schools Act  
40 of 2010 Fund, to defray costs of implementing this section.

1     SEC. 3. If the Commission on State Mandates determines that  
2     this act contains costs mandated by the state, reimbursement to  
3     local agencies and school districts for those costs shall be made  
4     pursuant to Part 7 (commencing with Section 17500) of Division  
5     4 of Title 2 of the Government Code.

O